

REMARKS

Formal Matters

Claims 35-39 and new claims 40-41 are pending in this application. Claim 34 has been canceled. Claims 35-37 are amended and new claims 40-41 are added. Support for the amendments is found throughout the specification, such as at page 9, line 1 to page 10, line 4; page 10, lines 5-26; page 19, line 1 to page 20, line 18; and originally filed claim 16. No new matter is added by the amendment.

Entry of the claim amendments is respectfully requested.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 34-39 are rejected under 35 U.S.C. § 112, 1st paragraph as, allegedly, lacking adequate written description with respect to a binding epitope of the 8B8 antibody. Claim 34 has been canceled rendering its rejection moot. New claims 40-41 have been added. Applicants respectfully traverse the rejection as applied and as it might be applied to the currently pending claims for the reasons provided herein.

Applicants claim a nucleic acid encoding an antibody comprising the complementarity determining regions of the 8B8 antibody (ATCC HB-12070). The claims are fully supported in the specification and originally filed claims as indicated above. Withdrawal of the rejection and allowance of the claims is respectfully requested.

SUMMARY

Claims 35-39 and new claims 40-41 are pending in the application. Claim 35 is canceled without prejudice to later prosecution. Claims 35-37 are amended. Entry of the amendments is respectfully requested. The rejection under Section 112, first paragraph has been overcome. Withdrawal of the rejection and allowance of the claims is respectfully requested.

If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and petition for a one-month extension of time and fees to include November 26, 2006. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

GENENTECH, INC.

By: 

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